

State Water Resources Control Board
Division of Drinking Water

August 19, 2015
System No. 2400013

Mr. Chris Kaji, Sr. Corporate EHS Manager
Sensient Natural Ingredients, LLC
P.O. Box 279
Cressey, CA 95312

COMPLIANCE ORDER FOR VIOLATION OF THE NITRATE DRINKING WATER STANDARD

The Division of Drinking Water of the State Water Resources Control Board (Division) has issued Compliance Order No. 03-11-14R-010 (enclosed) to Sensient Natural Ingredients, LLC water system (hereinafter Water System) for violation of the nitrate drinking water standard. Domestic water produced by Well No. 2 (PS Code: 2400013-011) of the Water System contains nitrate at levels exceeding the Maximum Contaminant Level (MCL) of 45 mg/L.

As required in the Compliance Order, the Water System is expected to propose a solution and implement a plan to ensure that water delivered to customers meets the nitrate drinking water standard. The Water System must conduct at least quarterly nitrate monitoring of Well No. 2 and provide quarterly public notification whenever the nitrate MCL is exceeded. After providing quarterly public notification, a copy of the public notice along with a completed proof of notification form should be submitted to the Merced District office.

Your written response to the Compliance Order should be also submitted to our office. Failure to comply will result in additional enforcement action by the Division. If you have any questions regarding this matter, please contact Shavonne Stallworth at (559) 447-3306.

Sincerely,



Kassy D. Chauhan, P.E.
Senior Sanitary Engineer
Merced District
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

cc: Merced County Environmental Health Department (w/o attachments)

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2
3 CALIFORNIA
4 STATE WATER RESOURCES CONTROL BOARD
5 DIVISION OF DRINKING WATER
6

7 TO: Sensient Natural Ingredients, LLC
8 ATTN: Chris Kaji, Sr. Corporate EHS Manager
9 P.O. Box 279
10 Cressey, CA 95312

11 COMPLIANCE ORDER NO. 03-11-15R-010
12 FOR
13 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)
14 AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE
15 Dated August 19, 2015

16 The State Water Resources Control Board (hereinafter "Board"), acting by and
17 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
18 for the Division (hereinafter "Deputy Director"), hereby issues this compliance order
19 (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety
20 Code (hereinafter "CHSC") to Sensient Natural Ingredients, LLC and its owner of
21 record for violation of CHSC section 116555(a)(1) and Title 22, California Code of
22 Regulations (hereinafter "CCR"), Section 64431.
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APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (1) That the existing plant, works, or system be repaired, altered, or added to.
 - (2) That purification or treatment works be installed.
 - (3) That the source of the water supply be changed.
 - (4) That no additional service connection be made to the system.
 - (5) That the water supply, the plant, or the system be monitored.
 - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level,</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
<i>Chemical</i>	<i>Maximum Contaminant Level,</i>
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432.1 (hereinafter "Section 64432.1") provides in relevant part:

Section 64432.1

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the Department of any acute nitrate MCL exceedance if the laboratory cannot make direct contact with the designated contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

- (A) Collect another sample, and
- (B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the Department within 24 hours. If the average does not exceed the MCL, inform the Department of the results within seven days from the receipt of the original analysis.
- (C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a confirmation sample within two weeks of notification of the results of the first sample.
- (2) For public water systems using groundwater, the repeat monitoring frequency shall be quarterly for at least one year following any one sample in which the concentration is greater than or equal to 50 percent of the MCL. After four consecutive quarterly samples are less than the MCL, a system may request that the Department reduce monitoring frequency to annual sampling.

STATEMENT OF FACTS

The Division was informed by the Water System and believes that the Sensient Natural Ingredients, LLC Water System (hereinafter "Water System") is a privately owned water system located in Merced County that supplies water for domestic purposes to approximately 400 employees through one service connection. Prior to April 1, 2014, jurisdiction for the regulatory oversight of the water system was maintained by the Merced County Environmental Health Department (County). Effective April 1, 2014, jurisdiction for regulatory oversight of the Water System was transferred to the Division. The Water System is a nontransient-noncommunity public water system as defined in CHSC, section 116275.

The Water System utilizes one groundwater well (Well No. 2) as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic

1 constituents. All public water systems must comply with the maximum contaminant
2 level (MCL) for nitrate of 45 mg/L, as established in Title 22 CCR Section 64431.

3 A sample collected from Well No. 2 on August 12, 2015, had a nitrate concentration
4 of 47.2 mg/L. A confirmation sample collected on August 13, 2015, had a nitrate
5 concentration of 46.6 mg/L. Based on the average of the two nitrate results, the
6 Division concludes that the Water System has violated the nitrate MCL.
7

8 **DETERMINATIONS**

9 Based on the above Statement of Facts, the Division has determined that the Water
10 System and its owner of record have violated CHSC, Section 116555 and Section
11 64431 in that the water produced by Well No. 2 during the third quarter of 2015
12 exceeded the nitrate MCL.
13

14 **DIRECTIVES**

15 The Water System and its owner of record are hereby directed to take the following
16 actions:

- 17 1. On or before August 31, 2016, comply with Title 22, CCR, Section 64431 and
18 remain in compliance.
19
- 20 2. On or before September 30, 2015, submit a written response to the Division
21 indicating its agreement to comply with the directives of this Order and with the
22 Corrective Action Plan addressed herein.
23
- 24 3. Commencing on the date of service of this Order, provide quarterly public
25 notification in accordance with Attachment A, hereto, of the Water System's
26
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1 failure to meet the nitrate MCL. The quarterly notification must include the most
2 recent quarterly nitrate results.

- 3
- 4 4. Commencing on the date of service of this Order, submit proof of each public
5 notification conducted in compliance with Directive No. 3, herein above, within
6 10 days following each such notification, using the form provided as Attachment
7 B, hereto.
- 8
- 9 5. Commencing on the date of service of this Order collect quarterly samples for
10 nitrate from Well No. 2, as required by Section 64432, and ensure that the
11 analytical results are reported to the Division electronically by the analyzing
12 laboratory no later than the 10th day following the month in which the analysis
13 was completed.
- 14
- 15 6. Prepare for Division approval a Corrective Action Plan identifying improvements
16 to the water system designed to correct the water quality problem (violation of
17 the nitrate MCL) and ensure that the Water System delivers water to
18 consumers that meets primary drinking water standards. The plan shall include
19 a time schedule for completion of each of the phases of the project such as
20 design, construction, and startup, and a date as of which the Water System will
21 be in compliance with the nitrate MCL, which date shall be no later than August
22 31, 2016.
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- 24 7. On or before October 31, 2015, submit the Corrective Action Plan required
25 under Directive No. 6, above, to the Division's offices located at 265 W. Bullard
26 Avenue, Suite 101, Fresno, CA.
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8. Timely perform the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
9. On or before December 31, 2015, and every three months thereafter, submit a report to the Division in the form provided as Attachment C, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.
10. Not later than ten (10) days following the date of compliance with the nitrate MCL, demonstrate to the Division that the water delivered by Water System complies with the nitrate MCL.
11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Kassy Chauhan, Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Merced District
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System.

1 The Division reserves the right to make such modifications to this Order and/or to
2 issue such further order(s) as it may deem necessary to protect public health and
3 safety. Such modifications may be issued as amendments to this Order and shall be
4 deemed effective upon issuance.
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6 Nothing in this Order relieves Water System or its owner of record of its obligation to
7 meet the requirements of the California SDWA, or any regulation, standard, permit
8 or order issued thereunder.
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10 **PARTIES BOUND**

11 This Order shall apply to and be binding upon the Water System, its owners,
12 shareholders, officers, directors, agents, employees, contractors, successors, and
13 assignees.
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15 **SEVERABILITY**

16 The Directives of this Order are severable, and Water System and its owner of
17 record shall comply with each and every provision hereof, notwithstanding the
18 effectiveness of any other provision.
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FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Order.



Carl Carlucci, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water

Date

8-19-2015

Certified Mail No. [7011 2000 0000 5036 3765]

Cc: Merced County Environmental Health (w/o attachments)



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING

Sensient Natural Ingredients LLC/CA2400013 water has high
levels of nitrate

**DO NOT GIVE THE WATER TO
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN
OR USE IT TO MAKE INFANT FORMULA**

Water sample results received 8/13/2015 showed nitrate levels of 47.2 mg/L & 46.6 mg/L. This is above the nitrate standard or maximum contaminant level (MCL), of 45 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

The Water System is in the process of determining the best alternative for compliance with the nitrate MCL.

For more information, please contact Chris Kaji at 209-656-5826 or mail to PO Box 279, Cressey CA, 95312.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Sensient Natural Ingredients LLC, Management.

State Water System ID#: CA2400013. Date distributed: 8/14/2015.



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Division of Drinking Water

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the Sensient Natural Ingredients, LLC Water System of the failure to meet the Nitrate MCL for the 1st 2nd 3rd 4th quarter of .
(circle one) (year)

Notification was made on _____ by _____
(date)

_____ Hand Delivery / Publication / Posting / Mailing/ Other _____ written notice.
(circle all that apply)

Signature of Water System Representative

Date _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due: Quarterly
Nitrate MCL violation
System Number: 2400013

Quarterly Progress Report

Water System:	Sensient Natural Ingredients, LLC	Water System No.:	2400013
Compliance Order No.:	03-11-15R-010	Violation:	Nitrate
Calendar Quarter:	Date Prepared:		

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Merced District Office.

Summary of Compliance Plan:

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Tasks completed in the reporting quarter:

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Tasks remaining to complete:

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Anticipate compliance date:

--

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Name

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Signature

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Title

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Date